

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FILED IN CLERK'S OFFICE  
U.S.D.C. - Atlanta

JUL 09 2010

CLERK OF DISTRICT COURT  
*[Signature]*  
U.S. District Court

WORD CHURCH  
INTERNATIONAL, INC.

Plaintiff,

v.

CITIZENS TRUST BANK

Defendant.

Civil Case # 10-CV-2133

**MOTION FOR TEMPORARY RESTRAINING  
ORDER AND INJUNCTION**

COMES NOW, Word Church International, Inc. (hereinafter "Plaintiff") and files this Complaint for Temporary Restraining Order and Injunction against Citizens Trust Bank, (hereinafter "Defendant") and show this Honorable Court the following:

**Material Facts**

1.

Plaintiff Word Church International owns the property located at 2520 Hollingsworth Street, Lithonia, DeKalb County, Georgia 30058 (the "Property").

2.

Defendant Citizens Trust Bank, is a Georgia Corporation with its principal place of business in Georgia. Defendant is authorized to do business in Georgia. It can be served through its registered agent, Cynthia Day at 75 Piedmont Ave. N.E., 12<sup>th</sup> Floor, Atlanta, Georgia 30303-2509. This Court has jurisdiction and venue is proper.

3.

This Court has jurisdiction over the subject matter of this action pursuant to, 28 U.S.C. §1331, 1337.

4.

This case involves an actual controversy between the Plaintiff and Defendant as to the parties' respective claims to and interest in the Property.

5.

Defendant initiated foreclosure proceedings on subject Property on July 1, 2010.

6.

Defendant has failed to follow the statutory prerequisites to deny Plaintiff a modification of its loan with Defendant in accordance with 15 U.S.C. §1691, more commonly known as the Equal Credit Opportunity Act ("ECOA").

7.

Plaintiff has filed a complaint with this court against Defendant regarding its violation of the ECOA.

**Emergency Motion for Temporary Restraining Order**

8.

Plaintiff hereby incorporates as is specifically set out verbatim paragraphs 1-7 of this complaint in its entirety.

9.

This Court should issue and enter a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure, providing that the Defendant shall not take any action against the Property, so that the *status quo* may be maintained pending the adjudication of this case. In addition to preliminary relief pursuant to Fed. R. Civ. P. 65(a), this Court should issue and enter a Temporary Restraining Order pursuant to Fed. R. Civ. P. 65 (b), restraining Defendant from taking any action against the Property.

10.

Plaintiff is likely to prevail on the merits. Defendant failed to give Plaintiff a written statement of reasons for denial of credit as required by statute and as a result, Plaintiff will be forced to suffer a commercial property foreclosure.

11.

Plaintiff will suffer irreparable injury if the injunction is not granted. Plaintiff will be foreclosed on August 3, 2010 and subsequently evicted from the property.

12.

The threatened injury to Plaintiff outweighs the threatened harm the injunction may do to the Defendant. Defendant will not be prejudiced by postponing the foreclosure sale until the action for the underlining federal violation is resolved.

13.

Plaintiff seeks a temporary restraining order against the Defendant to prevent the foreclosure sale currently scheduled to occur on August 3, 2010 in DeKalb County, Georgia.

14.

Plaintiff is legally and equitably entitled to temporary enjoin and restrain Defendant from foreclosing on Plaintiff's property.

15.

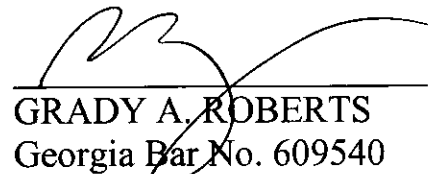
A proposed Order has been attached hereto for the court's convenience.

WHEREFORE, Plaintiff prays as follows:

- (a) The immediate entry of a restraining order pursuant to Fed. R. Civ. P. (b), providing that the Defendant shall not take any action against the Property;
- (b) The entry of a preliminary injunction, pursuant to Fed. R. Civ. P. (a) until this case is fully adjudicated;
- (c) That the Court order any and all such further relief under law and equity.

This 9<sup>th</sup> day of July, 2010.

Respectfully submitted,



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Attorney for Plaintiff

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